



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/796,909

03/10/2004

David Baran

GBTV 1001-1

1626

22470 7590 05/29/2008  
HAYNES BEFFEL & WOLFELD LLP  
P O BOX 366  
HALF MOON BAY, CA 94019

EXAMINER

STANLEY, MARK P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,909	<b>Applicant(s)</b> BARAN ET AL.	
	<b>Examiner</b> MARK P. STANLEY	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 4/24/2008.
2. Claims 1-2, 5-7, and 9-11 are pending in the application. Claims 3-4, 8, and 12 have been canceled. Claims 1-2, 5-7, and 9-11 have been amended.

### ***Response to Arguments***

3. Applicant's arguments filed 4/24/2008 with respect to claims 1-2, 5-7, and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that while Megeid and Abecassis do not properly teach financially reimbursing a program supplier for removal of content. However, the examiner respectfully disagrees, Abecassis teaches a system where the viewer is credited or debited for the verified viewing of video content (col. 44 lines 44-67, col. 45, lines 19-30, Fig. 10a, Fig. 11b). Where the user and advertiser enter a financial agreement that the user will view the advertiser's advertisement (col. 44 lines 58-64), and at a point where the user does not verify that they viewed the advertisement, then the advertiser would be at a financial loss after entering the financial agreement; however, upon a detection that the advertiser would have suffered a financial loss where the user fails to view the advertisement material as intended (col. 46 lines 16-28). The cable company or program supplier is financially reimbursed in that the user is not credited due to lack of viewing of the advertisement, and it is read that the cable company or program supplier are responsible for the financial charging of the advertiser thus it is read that the advertiser is not debited as the user did not view the

advertisement as intended thus the advertiser is being financially reimbursed (col. 46 lines 42-49).

Applicant argues there is no motivation for the combination of Megeid and Abecassis. However, the examiner respectfully disagrees, one of ordinary skill in the art would realize financial losses would occur for advertisers in Megeid's teachings when their advertisements are not viewed as intended after entering a financial agreement; therefore, to improve the relations between advertisers with providers and users one would have been motivated to address the financial losses for advertisers in Megeid's teachings with the system of Abecassis for ensuring proper financial transactions with an advertiser when a user does not view advertisements as intended based on a financial agreement.

Applicant argues that the combination of Megeid and Riedel is improper. However, the Examiner respectfully disagrees, Megeid teaches modifying content based on a user's preferences using time shifting for removed segments without the use of a shared PVR server or PVR server where Riedel teaches modifying content on a shared PVR server or PVR server based on a user's preferences and providing the modified time shifted content to the user. Applicant argues that claim 5 and 9 are different in that claim 5 refers to a shared PVR server and claim 9 to a PVR server; however, the Examiner respectfully disagrees in that the shared PVR server essentially performs the functions that a PVR server would except a PVR server does not provide the sharing function which would be an obvious variant, thus by teaching claim 5 for a shared PVR server, claim 9 for a PVR server is also taught.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megeid et al. (US 2007/0055980 hereinafter Megeid) in view of Abecassis (US 6,553,178 hereinafter Abecassis).

**Regarding claim 1**, Megeid discloses “a process for allowing a viewer at a TV display to bypass undesired segments of a TV program, including:” ([0007])

“storing one or more TV programs containing a first class of metadata including a start location and a stop location of potentially undesired segments” ([0008]-[0009], [0022]-[0023], Figs. 1A-Fig. 1B show metadata, while in [0008] receiving a program information is discussed wherein multiple programs being stored and available for receiving);

“retrieving one of the TV programs for display;” ([0008], [0024]-[0025])

“defining, with a second class of metadata, unwanted segments specific to the user of said TV display;” ([0008], [0025], Fig. 1A, Fig. 1B, Fig. 2)

“matching the first class of metadata with the second class of metadata and;” ([0009], Fig. 2)

“removing, responsive to matching the first class of metadata with the second class of metadata, undesired segments from the TV program;” ([0010]-[0013], Fig. 2, Fig. 3, Fig. 4, Fig. 5).

But, Megeid does not teach “reimbursing program suppliers for a financial loss occasioned by removed material”. However, Abecassis teaches a system where the viewer is credited or debited for the verified viewing of video content (col. 44 lines 44-67, col. 45, lines 19-30, Fig. 10a, Fig. 11b). Where the user and advertiser enter a financial agreement that the user will view the advertiser’s advertisement (col. 44 lines 58-64), and at a point where the user does not verify that they viewed the advertisement, then the advertiser would be at a financial loss after entering the financial agreement; however, upon a detection that the advertiser would have suffered a financial loss where the user fails to view the advertisement material as intended (col. 46 lines 16-28 The cable company or program supplier is financially reimbursed in that the user is not credited due to lack of viewing of the advertisement, and it is read that the cable company or program supplier are responsible for the financial charging of the advertiser thus it is read that the advertiser is not debited as the user did not view the advertisement as intended thus the advertiser is being financially reimbursed (col. 46 lines 42-49)

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Megeid where a user may selectively suppressing undesired program segments from a broadcast television signal including advertisements with the teachings of Abecassis where the advertiser is

reimbursed for a financial loss entailed when the advertisers content is not viewed as intended by a user. One would have been motivated to do so to improve the relations between advertisers with providers and users by addressing financial losses for advertisers in Megeid's teachings, where one of ordinary skill in the art would realize financial losses would occur for advertisers in Megeid's teachings.

**Regarding claim 2**, Megeid discloses "the process as set forth in claim 1, further including time shifting two or more programs to fill time space resulting from removing the undesired segments from the TV program" ([0010]-[0013], [0026]-[0037], Fig. 2, Fig. 3, Fig. 4, Fig. 5, while Megeid discloses time shifting segments to remove gaps of removed content).

6. Claims 5-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Megeid et al. (US 2007/0055980 A1 hereinafter Megeid) and Abecassis (US 6,553,178 hereinafter Abecassis) and in further view of Riedel et al. (US 2005/0060745 A1).

**Regarding claims 5 and 9**, Megeid and Abecassis teaches "removing unwanted TV material" with "reimbursing program suppliers for a financial loss occasioned by removed material" as described in claim 1 above. But, Megeid and Abecassis do not explicitly state the use of a "shared personal video recorder server" or "personal video recorder server".

However, Riedel teaches an apparatus for delivering time shifted TV program content provided to the client by a server storing multiple TV programs in a time shifting architecture using a NDVR architecture based on a client's preferences (abstract). A plurality of programs are delivered to an NDVR control center by programmers whom generate segmented TV programs and metadata wherein the NDVR control center is connected to a distribution network ([0040]-[0043], [0046]-[0047], Fig. 2, Fig. 3). Using the metadata TV programs are modified and time shifted as necessary ([0049]-[0052]). The client then invokes request for delivery of a specific TV program, the NDVR control center delivers a user time shifted program chosen from the plurality of TV programs stored at the NDVR control center where the TV programs contain specifically targeted advertisements ([0047], [0071], Fig. 4)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Megeid for selectively suppressing undesired program segments from a broadcast television signal with an apparatus for delivery of a time shifted TV program content selected from multiple programs stored at an NDVR control center taught by Riedel. One would have been motivated to do so for reducing the required processing resources client side for modifying program content based on a client's preferences, where the server side NDVR performs the segmentation and time shifting based on a client's preferences.

**Regarding claims 6 and 10**, the claims have been analyzed and rejected with the same reasoning as claims 2 and 5 above.



**Regarding claims 7 and 11,** the claims have been analyzed and rejected for the same reasoning as claims 5 and 9 above, where it would have been necessary to record actions pertaining to advertisements when related to a financial agreement for proper financial transactions.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contacts***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/  
Examiner, Art Unit 2623

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623